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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,795	10/07/2003	Eric G. Hull	427600700085	4803

7590 01/14/2008

H. Duane Switzer
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114

EXAMINER	
ESTRADA, ANGEL R	
ART UNIT	**PAPER NUMBER**
2831	

MAIL DATE	DELIVERY MODE
01/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/680,795	HULL ET AL.	
	Examiner	Art Unit	
	Angel R. Estrada	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,11,16,25-27,29-32 and 34-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1,11,16,25-27,29,30,35-42,45,46,48 and 49* is/are allowed.

6)☒ Claim(s) *31,32, 34,43 and 47* is/are rejected.

7)☒ Claim(s) *44* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/29/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed November 29, 2007 has been considered by the Examiner

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31, 32, 34, 43, 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Shohachi (JP 83381430, IDS Reference).

Regarding claim 31, Shohachi discloses a mud box (10) having an open end; a plurality of resilient spring legs (71) attached to said box (10); said legs (71) having free end portions engageable with one form surface for biasing said box (10) in a direction to engage said box open end with an opposite form surface (see figure 1) ; the distance between the form surfaces being less than the distance from the box open end to the free end portions of the legs so that the spring legs (71) are under bending stress when the box (10) is positioned between the form surfaces with the box open end the opposite form surface and the spring leg free end portion engaging the one form surface (see figure 1); and at least one elongated bendable strap (71) attached to said box for attachment to reinforcement rods between spaced forms (see figure 45),

Regarding claim 32, Shohachi discloses a mud box (10) having an open end, a plurality of resilient spring legs (71) attached to said box, said legs having free end portions engageable with one form surface for biasing said box (10) in a direction to engage said box open end with an opposite form surface, said spring legs (71) being defined by a pair of separate and independent spring members, each spring member having a central attachment portion with a pair of spring legs extending therefrom (see figure 45), and said attachment portions being attached to said box in perpendicular overlying relationship to one another to provide four spaced-apart spring legs extending outwardly from said box (see figure 45).

Regarding claim 34, Shohachi discloses a mud box (10) having an open end; a plurality of resilient spring legs (71) attached to said box (10); said legs (71) having free end portions engageable with one form surface for biasing said box (10) in a direction to engage said box open end with an opposite form surface; said spring legs (71) supporting said box between a pair of spaced-apart parallel concrete forms with inner form surfaces spaced-apart between 6-8 inches the distance from the box open end to the spring leg free end portions being greater than the distance between the form surfaces so that the spring legs (71) are under bending stress when the box (10) is positioned between the form surfaces with the spring leg free end portions engaging the one form surface and the box open end engaging the opposite form surface (see figure 1 and 45).

Regarding claim 43, Shohachi discloses an electrical box (10) molded of plastic material, said box (10) having a bottom wall with an external surface, a pair of elongated

flat bendable metal straps (71), said external surface and said metal straps being configured for attachment of said straps to said bottom wall with said straps extending generally perpendicular to one another in overlying relationship (see figure 45).

Regarding claims 47, Shohachi discloses a mud box (10) having an open end and a peripheral sidewall; a plurality of resilient spring legs (71) attached to said box (10); said legs having free end portions engageable with one form surface for biasing said box (10) in a direction to engage said box open end with an opposite form surface; said free end portions being spaced-apart a distance greater than the maximum distance across said peripheral sidewall so that the free end portions extend outwardly beyond the peripheral sidewall; said box (10) having a bottom wall opposite from said open end; said spring legs (71) being attached to said bottom wall; said box (10) being molded of plastic material; and said bottom wall having an external attachment projection (76) molded integrally therewith to which said spring legs are attached (see figure 45).

Allowable Subject Matter

3. Claims 1, 11, 16, 25-27, 29-30, 35-42, 45, 46, 48 and 49 are allowed.

Claim 44 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 1, 11, 16, 25-27, 29-30, 35-42, 44-46, 48 and 49 are:

Regarding claim 1, the prior art does not teach or fairly suggest in combination with the other claimed limitations said legs extending in a direction away from said bottom wail and having reversely curved free end portions engageable with one form surface for biasing said box in a direction to engage said box open end with an opposite form surface; the distance between the form surfaces being less than the distance from the box open end to the reversely curved end portions so that the spring legs are under bending stress when the box is positioned between the form surfaces.

Regarding claims 11 and 16, the prior art does not teach or fairly suggest in combination with the other claimed limitations said bottom wall having an external surface, and a projection molded integrally with said bottom wall on said external surface thereof for attaching support legs to said box, said projection being centrally located on said bottom wall and extending outwardly from said external surface thereof; said projection having a central cylindrical portion and a transverse projection portion that is spaced outwardly from said bottom wall external surface, said projection having a length one direction perpendicular to said cylindrical portion that is greater than its width in a second direction perpendicular to said one direction.

Regarding claims 25-27, the prior art does not teach or fairly suggest in combination with the other claimed limitations a generally U-shaped spring leg members of a spring material that returns to its original configuration when deflected,

each spring leg member having a central attachment portion with an attachment opening therethrough, and each spring leg member having a pair of legs diverging outwardly from said attachment portion and terminating in reversely curved leg end portions that are spaced-apart a distance greater than the length of said central attachment portion.

Regarding claims 29 and 30, the prior art does not teach or fairly suggest in combination with the other claimed limitations a plurality of abutments on said bottom wall spaced outwardly from said projection and forming abutment guideways therebetween, a plurality of spring legs having attachment portions that are received in said abutment guideways and have attachment openings received over said attachment projection.

Regarding claim 35, the prior art does not teach or fairly suggest in combination with the other claimed limitations each spring leg having a reversely curved bifurcated end portion to provide a pair of spaced-apart reversely curved support end portions each of which has a width that is not greater than the space between them.

Regarding claims 36 and 37, the prior art does not teach or fairly suggest in combination with the other claimed features a plurality of abutments on said external surface of said bottom wall spaced outwardly from said attachment portion and forming abutment guideways that extend perpendicular to one another past said attachment projection.

Regarding claims 38 and 39, the prior art does not teach or fairly suggest in limitations with the other claimed limitations a pair of generally spring leg members

having a central attachment portion with an attachment opening therethrogh and a flat bendable strap, said flat bendable strap having a central attachment opening therethrough.

Regarding claims 40-42, the prior art does not teach or fairly suggest in limitations with the other claimed limitations at least one flat bendable metal strap having an opening therethrough, said projection and said opening being configured for reception of said projection through said opening in an alignment orientation of said projection and opening, and said projection and opening being configured for preventing movement of said projection through said opening when said strap and projection are rotated out of said alignment orientation with said projection extending through said opening.

Regarding claim 44, the prior art does not teach or fairly suggest in limitations with the other claimed limitations the box wherein said external surthce has a projection thereon and said straps have openings through which said projection is receivable, said straps being positionable in overlying aligned inner and outer relationship for reception of said projection through said strap openings, and said outer strap being rotatable 90° relative to said inner strap to move said opening in said outer strap out of aligned relationship with said projection so that said projection no longer is movable through said opening in said outer strap to thereby hold said pair of straps to said bottom wall.

Regarding claims 45 and 46, the prior art does not teach or fairly suggest in limitations with the other claimed limitations a pair of elongated flat bendable metal straps having openings therethrough, said openings being configured for receiving said

enlarged head therethrough, said enlarged head and at least one of said openings on at least one of said straps being configured to provide reception of said enlarged head through said one opening and to prevent withdrawal of said head from said opening after rotating said one strap about said projection.

Regarding claim 48, the prior art does not teach or fairly suggest in combination with the other claimed limitations the kit wherein said attachment opening in each of said spring member corresponds in size and shape to the size and shape of said attachment opening in said strap.

Regarding claim 49, the prior art does not teach or fairly suggest in combination with the other claimed limitations the box including box projection having and enlarged head, said attachment portions having opening for receiving said head, and head and said opening in at least one of said attachment portion being shaped to provide reception of said head through said opening and to prevent withdrawal of said head from said opening after said one attachment portion is rotated 90°

These limitations are found in claims 1, 11, 16, 25-27, 29-30, 35-42, 44-46, 48 and 49, and are neither disclose nor taught by the prior art of record, alone or in combination.

Conclusion

4. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) OR 571-272-1000.

January 7, 2008

Angel R. Estrada
Primary Examiner
Art Unit: 2831